



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P. [MD]No.409 of 2022

Pradeepa

... Petitioner

Vs.

1.The Joint Transport Commissioner,
RTO Madurai (North) Office,
K.Pudur,
Madurai - 625 007.

2.The Regional Transport Officer,
Sivagangai,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to pass orders on the application dated 07.09.2021 for name transfer of the petitioner's vehicle bearing Registration No.TN 63 BE 8887 without insisting for personal appearance of the petitioner's in laws.

For Petitioner : Mr.R.Anandharaj
for Ms.KR.Bharathi Kannan
For Respondents 1&2 : Mr.A.Baskaran
Additional Government Pleader

O R D E R

Captioned main writ petition turns on a short point.

2.Mr.R.Anadharaj, learned Counsel representing the Counsel on record for lone writ petitioner and Mr.A.Baskaran, learned Additional Government Pleader who accepts notice on behalf of both the respondents are before this virtual Court, with the consent of learned Counsel on both sides main writ petition is taken up and heard out.

3.Owing to the narrow compass on which captioned matter turns, short facts will suffice. Short facts shorn of particulars not imperative for appreciating this order are that the writ petitioner was married to one Thamizhavel on 11.02.2018; that there is one three year old male child from the wedlock; that writ petitioner's spouse died on 30.07.2019; that during the life time of writ petitioner's spouse a Toyota Innova Crysta car bearing Registration No.TN 63 BE 8887 [hereinafter 'said car' for the sake of brevity, convenience and clarity] was purchased; that it is the case of writ



petitioner that said car was purchased by pledging her jewels; that after demise of writ petitioner's spouse it is alleged that writ petitioner's brother-in-law took away said car forcibly on 22.02.2019; that writ petitioner lodged a complaint on the file of jurisdictional police station viz., Devakottai Town Police Station vide Crime No.335/2020; that writ petitioner's brother-in-law moved anticipatory bail in this Court vide Crl.O.P.[MD]No.15488 of 2020; that in the anticipatory bail petition, writ petitioner and writ petitioner's parents-in-law intervened; that in the presence of all parties this Criminal Original Petition came to be disposed of by a Hon'ble Single Judge of this Court by a consent order dated 25.03.2021; that in the consent order said car was valued at a particular price; that writ petitioner's parents-in-law were to give No Objection Certificate, delivery note etc., qua said car after being paid out a specified sum of money qua said car; that it was made clear that in the Crl.O.P. Order that all Forms necessary for transferring the ownership of said car from the name of writ petitioner's late husband to writ petitioner are to be signed; that writ petitioner's mother-in-law and all concerned have given No Objection Certificate as per the consent order; that the captioned writ petition has been filed stating that the transfer should be made without insisting on the presence of all legal heirs of writ petitioner's late spouse; that the trigger for writ petition appears to be a query raised by the second respondent vide a note dated 07.09.2021 bearing reference **ந.க.எண்.14330/A2/2021**.

4. Learned Counsel for writ petitioner, notwithstanding very many averments in the writ affidavit and several grounds that have been raised in the writ affidavit submits that there is no provision in law for the second respondent to insist on personal appearance of writ petitioner's mother-in-law as a No Objection Certificate has been given as per the consent judicial order. It was also submitted that the writ petitioner's mother-in-law is of advanced age and this is the impediment in going before the second respondent.

5. In response to the above, learned Additional Government Pleader ie., State Counsel on behalf of both the respondents, on instructions from second respondent very fairly submitted that ownership of said car would be transferred in the name of writ petitioner as per the consent judicial order and the requirement for this is the writ petitioner only has to go over in person to the office concerned. Learned State Counsel on instructions submitted that the No Objection Certificate from legal heirs has since been issued as per the consent judicial order and therefore in deference to the orders of this Court this transfer will be made.

6. Learned Counsel for writ petitioner also submitted on instructions that there is no impediment for the writ petitioner going over to the office of the second respondent / authority concerned for completing the formalities and the difficulty is only



with the writ petitioner's mother-in-law owing to her advanced age.

7.The narrative thus far makes it clear that the matter is now heading for a quietus. Before this Court writes the concluding operative portion, it is deemed appropriate to make it clear that the question as to whether the presence of the proposed transferee or the consenting legal heirs in cases of this nature is statutorily imperative is left open. This order therefore will not serve as a precedent for this principle and the same can be decided in a case where there is a contest and a decision on this question becomes imperative for arriving at a conclusion. To be noted, in the case on hand the entire matter turns on a earlier consent order which is a judicial order ie., order dated 25.03.2021 in Crl.O.P.[MD]No.15488 of 2020.

8.The captioned writ petition is disposed of holding that the exercise of transferring ownership of said car qua registration certificate shall be completed by the second respondent or his subordinate (to be noted, this Court is informed that Grade-I Motor Vehicle Inspector, Karaikudi Unit office will deal with the matter) in the hierarchy as expeditiously as his business would permit and in any event within one month from today ie., on or before **11.02.2022** subject only to the writ petitioner going over in person to the office of second respondent to complete all the formalities.

9.Captioned writ petition is disposed of in the above manner. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1.The Joint Transport Commissioner,
RTO Madurai (North) Office,
K.Pudur,
Madurai - 625 007.



2.The Regional Transport Officer,
Sivagangai,
Sivagangai District.

3.The Grade-I Motor Vehicle Inspector,
Karaikudi Unit office, Karaikudi.

+1 CC to M/s.SPL.GP (SR-1493[F] dated 12/01/2022)

+1 CC to M/s.KR.BHARATHI KANNAN, Advocate (SR-1631[F] dated
19/01/2022)

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